

FEB 16 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

Examiner: Brian S. Szmal

Group Art Unit: 3736

For: ELECTROSURGICAL BIOPSY DEVICE AND  
METHOD

Serial No.: 10/650,027

Filed: August 27, 2003

INFORMATION DISCLOSURE  
STATEMENT

Atty. Docket No.: R0367-00302

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8I hereby certify that this correspondence is being transmitted by facsimile to (571) 272-8300, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 16, 2007 in San Francisco, CA.By: [Signature]Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the reference listed on the attached PTO-1449 form and request that it be considered by the Examiner. The reference was cited by the Patent Office in copending application Serial No. 09/819,185, now U.S. Pat. No. 6,689,071.

This Statement is being filed concurrently with the enclosed Request for Continued Examination Under 37 CFR §1.114; therefore Applicants believe that there is no fee due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment set forth under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1879, referencing Atty. Docket No. R0367-00302.

Respectfully submitted,

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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> UNDER 37 CFR §1.56, §1.97, and §1.98 <b>PTO-1449 FORM</b>  SHEET 1 OF 1				ATTORNEY DOCKET NO.:  R0367-00302		SERIAL NO.:  10/650,027	
				APPLICANTS:  Burbank et al.		EXAMINER  Brian S. Szmal	
				FILING DATE:  August 27, 2003		GROUP ART UNIT:  3736	
<b>U.S. PATENT DOCUMENTS</b>							
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE: (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)	
	A85	5,941,869	8/99	Patterson et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)		
<b>NON-PATENT DOCUMENTS</b>							
† EXR INITIAL	*REF. #	Document Description (Including Author, Title, Date, Pertinent Pages, Etc.)					
EXAMINER'S SIGNATURE				DATE CONSIDERED			
† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.							
* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).							